In the Intellectual Property Office of New Zealand

In the matter of United States Patent application No. 10/622,638

Warren Gregory Tobin, of Auckland, New Zealand

the Patent Applicant

Affidavit of WARREN GREGORY TOBIN

DECEMBER 2005

I **WARREN GREGORY TOBIN**, of Auckland, Company Director, swear:

1. I am a co-founder and director in the company Txtcentre Limited, of Auckland. I formed the company in 2003 and have worked in it since that time. My work involves leading the ongoing development of telecommunications products and services, including marketing and selling call centre products, and general management duties.

2. Prior to forming Txtcentre Limited, I worked in the software industries in New Zealand, Europe, the United States and Asia. I started work in the 1980s in a systems engineer role with Financial Systems Limited, which was a pioneer in the New Zealand IT industry. I was promoted through technical, sales, and management roles at Financial Systems Ltd, and this led to a foundation role in the highly successful New Zealand software development company known as The Great Elk Company (now known as StayinFront). StayinFront has a current turnover in excess of USD$50M and has over 500 employees in 8 countries. My role with StayinFront involved leading a start-up software team into many international markets, working on the concept of multi-channel customer telecommunications management systems, especially those for call centres, and contributing to the ongoing development of Customer Relationship Management (CRM) software (including software for call centre systems).

3. I have written white papers on Customer Relationship Management (CRM) products, have written magazine articles on the subject, have appeared on television in relation to telecommunications subjects, and have presented at many international CRM events. Examples of the events I have presented at include the DCI telecommunications conference in New York and CRM user conferences in Australia, New Zealand, United States and Europe. Copies of some of my magazine articles are enclosed as **Exhibit WGT01**.

4. An integral part of any CRM implementation is the call centre and for the last 12 years I have worked with colleagues on developing strategies and technologies for integrating call centre technology with other customer management systems.

5. I am the applicant of United States patent application No. 10/622,638 titled "communication means". My company, Txtcentre Limited, uses the technology protected by the patent under license from me.

WGT

6. My US patent application claims protection for the concept described below:

My Invention

A method of effecting communications, comprising the steps of:

a) taking text message calls at a text centre means wherein such calls are made by way of telephones,

b) determining the target address(es) of the calls from information contained in the calls, the identity of the target address(es) in each case being recorded in the text centre means against a telephone call centre or telephone call centres,

c) sending the text message calls to the call centre or call centres corresponding to the respective target address(es),

d) receiving the text message calls at the call centre or call centres as appropriate,

e) for each call centre processing each of the text message calls received there such that a future return call time is assigned to each of the text message calls, for each text message call automatically forwarding a return text message call to the telephone concerned, the return text message call containing details as to when a return telephonic voice call will be made from the call centre to the holder of the telephone, and

f) in substantially each case the call centre concerned making the respective return telephonic voice call at the time indicated.

7. I came up with this invention as the result of what is now about 15 years work with multi-channel CRM systems. As at November 2002 text messaging was primarily used for person to person social communications. The concept of using text messaging as an inbound and interactive channel for call centres was to the best of my knowledge unknown. To use text messaging in that way in the latter part of 2002 would have been seen as a significant step forward in comparison to the text messaging products used at the time. With the benefit of my CRM background, and what I humbly like to think is a visionary and inventive mindset, I was able to develop a new concept, one which would allow text messages to fulfil a previously unknown purpose, namely an inbound and interactive channel for call centres. At the time I came up with the invention text messaging had been around for at least three years and it never occurred to me to try something like this beforehand.

8. I understand that the US Patent office has suggested that my invention is obvious in light of two US patent specifications (US 5,155,761 (to Hammond) and US 2004/0042612 (to Michelson)). I have read these two specifications and do not

believe that they would have led a skilled person to my invention at the priority date of my application. I am surprised at the Patent Office objection because, among other reasons, in the 15 years that I have worked in the call centre products industry I never saw anything remotely like my invention.

9. In my work I have always been exposed to a lot of call centre telecommunications and software technology and have a good knowledge of at least most of what is out there. I have always felt that my invention cut across the grain of industry thinking at the time (ie 5 November 2002). I say this because the concept of auto-generating a call back service from a telephone text message was totally unknown. Text messaging was generally viewed as "for kids" and was not considered a mainstream communications channel by the Call Centre and Software Industry as a whole. Again, it was on the whole seen as something used from person to person.

10. During 2002 I met with major international telecommunication and call centre equipment vendors as part of my work. As a result of these meetings I gained the impression that none of these businesses even contemplated that text messaging would be used as an inbound channel in a call centre environment. The impression I gained was that they were working on quite different solutions for call centres. The companies I met with included the two largest vendors of call centre solutions in Europe (and world-wide) namely Nortel and Avaya Europe. Neither of those companies expressed any notion of a product or process which utilised text messaging in the call centre environment. I gained the same impression when I met with Vodafone in the United Kingdom, Vodafone Australia, Telstra Australia, O2 UK, CISCO and many other smaller players in the text centre products industry. Only recently (2004 and 2005) have we started to see acceptance of telephone text messaging as a call centre communications channel.

11. In 2003 my company entered my text centre invention (ie as described at paragraph 6 above) in the Westpac High-Tech Awards competition in New Zealand. We were very happy to have been selected as one of only three finalists in the *Most Innovative Product* Category. That category attracted the most entries in that year. A copy of the certificate that we were awarded, together with a Westpac programme for the awards showing our competitors for that year, is enclosed as **Exhibit WGT02**.

12. My company also entered my invention in the Ericcson Mobility Awards in New Zealand in 2004. We were selected as one of three New Zealand finalists in the *Frontier* competition. These awards are run by Ericsson, one of the largest telecommunication equipment and solution providers world-wide. The awards are designed to recognise innovative solutions in the telecommunications industry. I enclose as **Exhibit WGT03** copies showing an email I received from Ericsson confirming our place as a finalist and our prize for being a finalist, together with a printout from Ericsson's web site showing that one of the key criteria for judging was the "*level of innovation and newness to the marketplace*".

13. One reason that telephone text messaging was generally not taken seriously as a business communications tool in the November 2002 era is that because of technical difficulties phone companies would not give a guarantee that the text messages they handled would make it to their target destination. At the time this created a reasonably negative perception within the industry to telephone text messaging but this has since abated as text messaging has grown as a means of communication. The negative perception in the November 2002 era was largely a symptom of the text messaging technology being in its developing stages and because the SMS texting "channel" is a control channel and not intended as a fault tolerant grade service. I recall that at or around that time the idea of using text messaging as an equivalent to traditional "911" style emergency calls was mooted in New Zealand. To the best of my recollection the idea never got off the ground because of concerns that the messages might not get through in a critical emergency situation.

14. Another reason that telephone text messaging was not seen as useful for a call centre channel in the November 2002 era was that phone companies would not give a guarantee that the text messages they handled would make it to their target destination. At the time this created a reasonably negative perception within the industry to telephone text messaging but this has since abated as text messaging has grown as a means of communication. The negative perception in the November 2002 era was largely a symptom of the text messaging technology being in its developing stages and because the SMS texting "channel" is a control channel and not intended as a fault tolerant grade service.

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15. I recall that as at November 2002 the sorts of products available for call centres were predominantly based on direct voice calls. This reflects the fact that when one calls a call centre one normally wants to talk to a real live person. However because call centres often go through periods during the day when caller volume is high they need to have a way to catch calls which would otherwise be missed. A missed call is undesirable because, for example, it can result in a lost sale or a disgruntled caller. It was thus quite normal for call centres to have a facility for a caller to wait on the line until an operator became free, or to leave a recorded message for the operator. The same applies to this day. As at November 2002 the industry was trialling, and in some cases using, products for handling email and fax messages. Some innovative companies were talking about using video communications as the way of the future. The idea was to have a computer generated image of an operator who would give callers instructions and prompts so that they could be connected with the right department or person in the organisation being called.

16. As at November 2002 the call centre industry had little or no real regard for communications involving text messaging. The industry perception was that text messaging was not a mainline mode of communication, possibly because SMS messaging had relatively poor penetration in the United States market until reasonably recently. In the call centre products industry United States trends are often seen as an indicator on what to expect in other markets. There might possibly have been a few innovative companies thinking of text messaging as a way of reaching a call centre, but if there were then they would have been thinking and working inventively, quite outside of the square, so to speak.

17. Quite unexpectedly for the call centre industry the use of text messaging for communicating in a general setting exploded after 2002. The teenage market picked up on this in or around 2004 which led to amazing growth in the cellular communications market. The increasing volume of text messaging has now prompted the call centre industry to look into this avenue, but even today development of this mode of communication in the call centre industry is very much in its infancy. In a sense the call centre and call centre products industry was caught by surprise by the sudden explosion in texting which occurred well after the end of 2002. Even today it is fair to say it is the more innovative companies that are working on text solutions for call centres. No-doubt others will follow if and when there is a strong demand for people to contact a call centre

with a text message. That may not happen because human nature is to want to speak to a person in the flesh and gain an instant response when calling a call centre. It is also because the industry perception even today is that texting is predominantly used for social communications, especially among teenagers.

18. To summarise, I believe that to develop or make provision for a system of receiving and processing text messages at a call centre was not an obvious thing to do back in November 2002. I do not believe that the call centre industry was moving in that direction at the time, and if there were a few companies thinking along those lines then they would have been quite innovative and forward thinking.

Sworn at Auckland, New Zealand
On 16th December 2005 (date)

Warren Gregory Tobin

Before me:

A Solicitor (Lawyer) of the High Court of New Zealand

John Barratt - Boyes
Solicitor
Auckland

WT

This is **Exhibit WGT01** referred to in the annexed affidavit of **WARREN GREGORY TOBIN** sworn before me at Auckland this

16th. day of December 2005

John Barratt - Boyes
Solicitor
Auckland

A Solicitor of the High Court of New Zealand

This is Exhibit WGTOT referred to in the annexed statutory declaration of WARREN GREGORY TOBIN declared at ~~Napier~~ Auckland before me this 7th day of June 2005

A Solicitor of the High Court of New Zealand

Reconciling Sales, Marketing and IT

Sales and Marketing (S+M) executives are often frustrated by the performance of their IT department. They feel that IT takes too long to deliver, there is always a backlog of requests and nothing ever gets delivered in quite the way they had expected.

Conversely, IT executives often find the S+M group impossible to please. It is difficult to determine exact requirements for S+M systems; requests for changes are constant, even during the development and deployment process. Finally, when systems are delivered they are rarely used as specified.

Diversity and change directly cause most of the interdepartmental tension, so its important to understand these dynamics.

DIVERSITY

Companies typically differentiate their products and services to better serve a segment of the market and in that way, create a sustainable business. The differentiation process itself has a direct impact anywhere that customer interaction takes place, primarily in S+M.

Diversity has a direct impact on systems that support S+M as it is often difficult for one business to utilize the practices that deliver competitive advantage for another business. In the CRM arena, this means that Best Practice Approach (BPA) solutions will often fail S+M, as they don't support an organization's unique S+M processes – processes that have evolved over time to attract and retain their customers.

CHANGE

S+M is also the most dynamic area of a business due to two key factors:

1. It is often the easiest area to create and communicatedifferentiation.
2. It is most exposed to external factors such as competitor activity, customer preferences, government legislation and technological innovation.

CRM systems are particularly susceptible to the issues that arise from constant change. If enhancements cannot be implemented quickly then, over time, the system fails to reflect existing business conditions causing many issues and jeopardizing the on-going success of a project. The negative impact of a CRM system that can not cope with change includes:

- the possibility of delaying new business initiatives due to the inability of the system to support them;
- a decline in productivity as irrelevant features begin to create "make work" tasks for end users;
- an erosion of information quality as end user utilization declines over time.

SPANNING THE DIVIDE – TIPS FOR S+M

To ensure your organization starts a successful CRM project, with realistic expectations, make sure you:

- Choose the right technology to ensure long term success. Very few CRM systems can effectively manage diversity and change. The closer you work with your IT team to communicate your requirements the more likely the project will start off with the right technology choice.
- Document the objectives you want to achieve, before shopping for solutions. However expect your objectives to change over time as you learn more from implementing your CRM project.
- Communicate within your organization. Implementing a CRM project often involves cultural change, and getting this right can mean success or failure for a CRM project. It is as much an internal marketing campaign as an external one. It is also essential that you gain top-level organization commitment to the project.

PROVE ITS WORTH

Embarking on a CRM project will involve an investment of resources. In an increasingly measurement oriented marketing environment, proving the potential return and measuring that you are on track is essential to justify resources and gain internal buy in.

A well-managed CRM project can provide both hard and soft returns for your organization. Hard returns are solid financial results that show tangible and quantifiable returns from a project. This can include reduced marketing expenditure through more effective targeting, increased revenue from your existing customer base and improved customer retention.

Not all returns can be measured in hard numbers, but they may be attributable to a CRM project. These soft returns are important as they can be indicators of hard returns to follow. Soft returns include improved customer loyalty and brand awareness.

A well-managed CRM project may also turn up some unexpected benefits including growth in the skill base of your staff, which may lead to a decrease in staff turnover. Some organizations also experience improved debt collection due to an increase in customer satisfaction and improved customer order and pricing management.

STAY ON THE RIGHT TRACK

To ensure continued success a CRM system must remain relevant to both customers and end users. This will involve measurement of both the drivers of success and the measurement of outputs achieved. Potential drivers of success include the level of utilization of the system, e.g. calls made and customers correctly profiled. Outputs can include the use of new functions by clients, or an increase in the number of opportunities being managed.

Ensure that you focus on making the project relevant to your customers and end users, moving forward with many small achievable and measurable steps. Oh and talk to your IT team!

As Executive Vice President of Sales for StayinFront, Warren Tobin holds responsibility for worldwide sales and European business operations. StayinFront is a leading global provider of enterprise-wide customer relationship management (CRM) applications, decision support tools and eBusiness systems.

Land of opportunity

New Zealand is a perfect test site for new CRM technologies suggests WARREN TOBIN, Executive Vice President Global Sales, StayinFront, Inc. However, it is unforgiving when it comes to failures.

How many first world countries have a total population smaller than a single major city in Australia or the United States? How many have an almost completely deregulated economy and rank in the top 10 in the world for cell phone adoption on a per capita basis? New Zealand is one such country. The business environment is in many ways analogous to a boxer fighting way above his weight. The good news is that there is every chance of winning if you can adapt quickly and make use of whatever is provided.

There are many issues unique to New Zealand, which must be eliminated to ensure success in CRM. These include the concept of scaling downwards rather than upwards; the need for complex functionality with limited financial resources; the ability to leverage New Zealand's inherent technology advantages, such as high cell phone usage; and the very broad job roles of the workforce. Almost all New Zealand businesses could be categorised as Small-Medium Enterprises (revenue of less than US$1B) – a segment poorly addressed by the major CRM vendors.

Infrastructure issues

CRM systems that require significant hardware, networking and communications infrastructures will not succeed in New Zealand. Often the infrastructure available here is less substantial than that available to one branch of a US corporation. The key issue in CRM becomes whether the system can scale down, whereas in other markets the reverse is true. Further, those that require high on-going levels of management overhead and direct IT department supervision are also doomed.

In larger countries, business problems are often solved through a 'brute force' approach that requires substantial amounts of dollars. Many large corporations are also willing to write off failed systems as learning mistakes. Not so in New Zealand, where the breadth of functional requirements match those of other large well developed markets, but the financial resources available are miniscule in comparison. The concept of a system failing and being written off is also untenable for a New Zealand company and is a rare occurrence. Software vendors beware in the New Zealand market bad news travels fast.

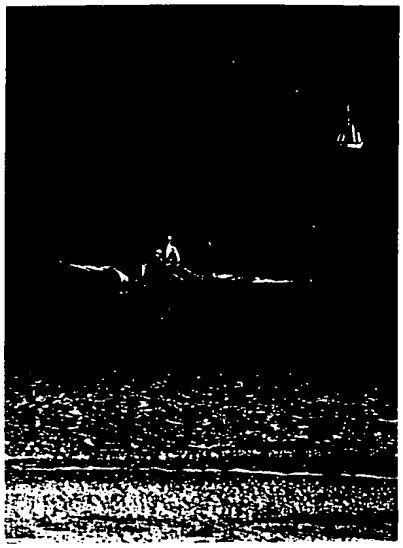
Workforce issues

A typical IT department will have an IT manager and one to five IT professionals. The breadth of equipment that this team will support is no different to that of a large corporation found in Australia or the United States. IT is not alone in this respect; employees of most departments of New Zealand companies have extremely broad job roles. Employees who are unable to cope with or understand the larger picture do not generally succeed in New Zealand business.

CRM systems that deliver highly modular and often compartmentalised pre-built functionality, in the traditional manner, do not typically deliver a strong return on investment in New Zealand.

The good news

New Zealand has been a leader in the adoption of new technologies. The high-level of cell phone usage per capita is a perfect example of embracing technologies that make sense, given the geography of the country. As most businesses have already invested in cell phones, they are keen to deploy solutions that can make use of this platform, rather than invest in new, expensive infrastructure.



Often the infrastructure available to a large New Zealand company is less substantial than that available to one branch of a US corporation.

Another interesting aspect of the New Zealand CRM market is what it delivers to a CRM vendor. The relatively small and manageable geography and the elements previously discussed create an ideal CRM development environment for vendors to drive innovation. The need for a CRM vendor to deliver a comprehensive CRM solution that will function just as effectively and economically for a 20-user New Zealand based company as it will for a 2000-user US corporation is ideally driven out of New Zealand.

Whichever way one looks at it, New Zealand is a land of opportunity for CRM vendors to test and implement low-cost, high return solutions that can be later deployed in other geographies as well, especially if one is used to getting solutions right the first time around. ■

Big bang approach is "flawed"

Tan Ee Sze
Singapore

For competitive reasons, companies are always different from each other, even if only slightly. And the big bang approach to customer relationship which forces them to work with fixed modules could well take away that competitive advantage, said Warren Tobin, executive vice president of sales for CRM (customer relationship management) company StayinFront.

The company, founded in New -Zealand and headquartered in New Jersey, opened its office in Singapore last week to service existing customers in the region, which include Asia Pacific Breweries, Bayer and Roche.

According to Tobin, the approach adopted by many large CRM vendors is that, "We know how to manage customers, and we have 1,000 -modules which will help you do that".

"But the big bang approach is -fundamentally flawed," he said. "When we drill down and look at companies, their needs are always slightly different.".

One of StayinFront's value propositions is that customers can configure the system without touching the source code. The system then provides dynamic modelling to see if the functionalities that the customers have configured are actually what they need.


Warren Tobin

Tobin gave the example of the CRM needs of consumer packaged goods companies. "It is important for them to offer sophisticated deals to stores, which involve bonuses and -discounts. The CRM solution has to support the sales representative who goes out to negotiate, and ensures that he doesn't promise what he can't -deliver.".

A pharmaceutical company, on the other hand, may want to know how long a sales representative has to talk to a doctor about a particular product, or in other words, how successful or otherwise a marketing plan has been. Therefore, the system has to be configured to correlate the marketing and sales efforts.

The ability to build up functionality also means that CRM systems can be implemented on more modest hardware platforms.

"If you look at our heritage, we were founded in New Zealand, which is a smallish country where many companies do not have the option of throwing lots of money into servers. We're used to working with fewer resources, and to be economical with hardware," said Tobin.

"When people talk about scalability, you also have to think about scaling down the hardware, and not having to buy complex server -infrastructure," he added.

Prudence is the order of the day, especially in the current economic -climate, said Tobin, and some of the systems from large vendors like Siebel Systems "plain cost too much". .

The ball park figure for StayinFront's product licensing fees would be about US$1,000-US$1,500 ($1,760-$2,640)
per person, a figure which, Tobin -indicated, is less than a third that of what big-name products would cost. StayinFront's family of products -includes its flagship CRM software Visual Elk, a data analysis and decision support tool Panorama, ebusiness configuration technology Web Works, a fully-featured CRM system for Microsoft Pocket PC devices Pocket Elk, Elk Traveler for Palm Pilot -organisers, as well as industry add-ins

and solution add-ins for -specific business management needs.

The company also has an ASP offering called Splashnet. According to Tobin, the ASP mo which "potentially has a place in Asia, but we want to understand it before we go in".

Cost and hardware investments aside, another key factor in CRM deployments in this regi takes a year to install, it will probably fail in Asia," said Tobin.

According to him, most of StayinFront's projects are up and running in about three months the deployment should take about 30 to 45 days.

He believes this is attainable if companies think hard enough about their CRM strategy. "It technology," he said. "Companies need to work out what they want to do with the CRM sy have to be able to express the needs of the company. If they can't, perhaps they should n CRM -system."

StayinFront currently has offices in the United Kingdom, United States, New Zealand, Aus Singapore. Currently, the Singapore office is staffed by two people relocated from New Ze general manager John Connell.

Connell will be growing his team to about 10 to 15 people over the next 12 months. Of the cent will be in services and the rest, in sales.

More information on StayinFront is available at **www.stayinfront.com**.

Close this window.

expanded both its sales team and profes-
sional services group in response to growing
demand.

"Companies, unique system client-by-client
in less time than it takes often to install a
big pre-configured package."

iwi firm charges ahead in the US

:ine Banfield

Zealand company StayinFront has l its fifth US deal in five weeks within ıarmaceutical industry.

lifornia-based Connetics has chosen ıFront's Visual Elk software and norama decision support tool for ıpany-wide customer relationship gement (CRM) solution. The com- plans to implement the StayinFront on late in the third quarter of 2001. ıere are about five international tunities that have closed in the last ı. We now have an office in the d other places," says Warren Tobin, ıFront executive vice-president in

"That deal is a result of work we've been putting into place in the US. It's a very competitive market and the initial opportunity was raised through our marketing programme, which has been running for a couple of years."

In winning the contract, the Auckland-based firm was picked from a short list of three. Connetics (previously a research organisation, which has had its drug approved) is growing and was looking for a good CRM system to help sales staff in the field. Its sales force spans across the US, while the company has a California head office.

Connetics' director of sales operations, Darrell Blasi, says, "The Visual Elk program will allow our territory managers the opportunity to more effectively manage their territories through improved targeting and analysis of their efforts."

StayinFront's Tobin attributes the company's success to good experience within the sector, as it boasts 40 pharmaceutical clients worldwide.

StayinFront's Tobin: The deal is a result of work we've been putting into place in the US.

"We have a different approach from most of the CRM vendors. There are two schools of thought. One is taking a package and installing it, then changing your business to suit it. We've taken the other approach in that the reason you run your business in the way you do is probably because you gain some kind of competitive advantage, and you need to be able to select a system that can rapidly configure itself to support your unique business processes."

The essence behind the system is to make it look and act the way a client wants it to without changing the code, Tobin says.

"[Our system is] without all the drawbacks that were traditionally around custom developments ... We can install a customised, unique system client-by-client in less time than it takes often to install a big pre-configured package."

The other US organisations the Kiwi firm has signed with — Santen, MGI, Actelion and Amylin — range from 50 staff to several hundred.

"The US is very strong for us now. The economy has been weaker but for some reason, our business has been charging along."

Tobin says the company is flexible when it comes to installing the program. In the US, Australia and New Zealand StayinFront usually implements the solution from start to finish. In other parts of the world, which is now close to 30 countries, it uses implementation business partners.

"A further dimension to that is some of our clients are in a position where they have their own internal resources and can do a lot of the work themselves. Often that's part of the initial analysis process. It depends on what resources the client has. For multinational clients, we do it ourselves, but we do have partners in Australia and New Zealand who implement our systems in non-multinationals. We build our global business on multinationals."

The company is also talking to some bigger consulting companies who may provide other services around it, here and in Australia.

Late last year, StayinFront Asia Pacific expanded both its sales team and professional services group in response to growing demand.

This is **Exhibit WGT02** referred to in the annexed affidavit of **WARREN GREGORY TOBIN** sworn before me at Auckland this

16th. day of December 2005

John Barratt - Boyes
Solicitor
Auckland

A Solicitor of the High Court of New Zealand

This is Exhibit WGT02 referred to in the annexed statutory declaration of WARREN GREGORY TOBIN declared at ~~Napier~~ Auckland before me

this 7th day of June 2005

A Solicitor of the High Court of New Zealand

Programme & Menu

10th Anniversary Celebration
Westpac New Zealand Hi Tech
Excellence Awards

Princes Ballroom,
Hyatt Regency Auckland
Saturday, November 15th 2003

Programme

Welcome
Phil Doak General Manager
Channel & Process Management, Westpac

Young Achiever of the Year Award
Sponsored by Adilam

Small Business of the Year Award
Sponsored by Navman

Most Innovative Product of the Year Award
Sponsored by Precision Australia

Deal of the Year Award
Sponsored by Tyco Electronics

High Growth Company of the Year Award
Sponsored by Morel & Co.

Exporter of the Year Award
Sponsored by Sellutions

Electronic Company of the Year Award
Sponsored by Avnet Electronics

Dinner will be served.

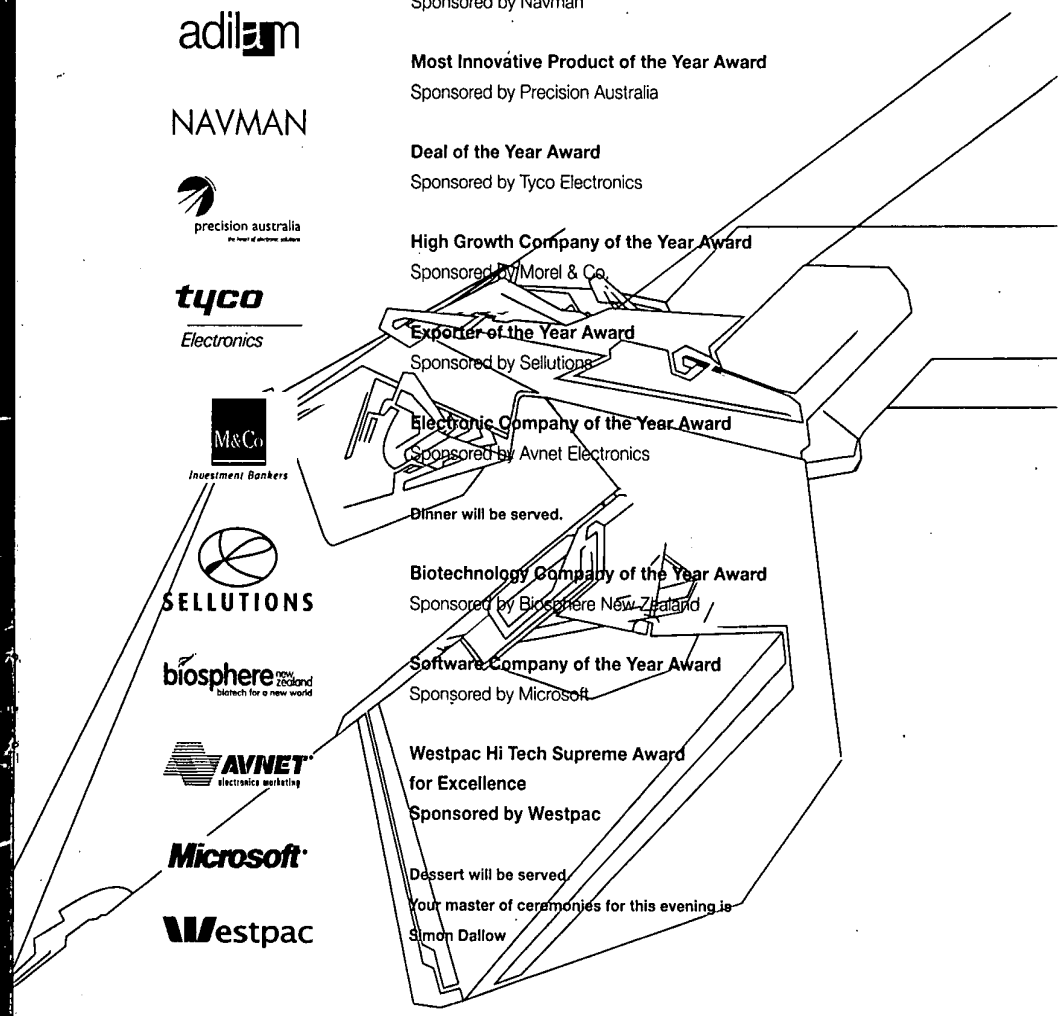
Biotechnology Company of the Year Award
Sponsored by Biosphere New Zealand

Software Company of the Year Award
Sponsored by Microsoft

Westpac Hi Tech Supreme Award for Excellence
Sponsored by Westpac

Dessert will be served.

Your master of ceremonies for this evening is Simon Dallow



Finalists
(in alphabetical order)

EDAC Electronics, from Christchurch, specialises in the development and commercialisation of technology products. Three years ago EDAC was approached by Geoff Willacy (a North Island Kiwi fruit orchard management consultancy) about EDAC's 'Ecomist' aerosol dispenser products, which spray perfume at programmed intervals into restrooms. He wanted a similar solution to spray bees with pollen to increase the efficiency of pollination in orchards. In 2002, after numerous trials, the companies released the first commercialised version of the beeFORCE units to the market.

Endace Group

Endace Group was founded in late 2001 to commercialise technology developed by Professor Ian Graham's research group at the University of Waikato in Hamilton. Endace Group's expert research and development team has continually delivered the world leading technologies its customers have demanded. Based on the philosophy of continual improvement, the Endace Group research team developed over 25 different products within two years including the Endace Group DAG™ a new network packet processing architecture designed to turn the common PC into an advanced networking appliance.

Solution for the
Microsoft Certified Partic
became the first New Zealand com
go to the world finals. ITL has about 100
customers representing more than 80% of
the travel agents in New Zealand and an
increasing number internationally.

iTouch Business Mobility

iTouch Business Mobility is an international leader in business mobility software and managed wireless services and solutions, with offices in New Zealand, Australia and the UK. Three years ago iTouch delivered the world's first market-ready business mobility applications that ran on the GPRS network. Today it dominates the business mobility market in Australia, New Zealand, UK (and is fast moving into Europe) with the most history, experience and the widest range of working business mobility applications used by over tens of thousands of mobile workers worldwide.

PayGlobal Limited

Australasia's fastest growing people management solutions company, PayGlobal develops and implements software that helps organisations to manage their most valuable resource – their people. After establishing successful markets in Australia and New Zealand, the company is now expanding into Europe, Asia, and North America opening offices in both Hong Kong and the United Kingdom earlier this year. PayGlobal is committed to a vision of being the world's most desired and respected provider of people management solutions.

design.
although usually focused only on contract
company was soon
Solutions acceleration
where it developed a wider
business model. A unique blend of electronic design capability, innovation, and commercial expertise; besides providing excellent engineering skills, Prolificx uses a range of IP building blocks to deliver market-ready product in extremely short timeframes. It adds extra value by working with partner companies to provide funding, marketing, and distribution solutions if required.

Protemix Corporation Ltd

Protemix is a biopharmaceutical company that develops novel therapies for cardiovascular disease, diabetes mellitus and other metabolic disorders. Protemix was founded in 1999 to commercialise the research of Professor Garth Cooper and Dr John Baker, both internationally recognized researchers with proven records of commercial success. It currently employs approximately 28 full-time and part time employees in New Zealand, mainly working in the discovery division based at Protemix Laboratory located within the School of Biological Science at The University of Auckland.

technology based on quartz crystals and currently supplies over 50% of the frequency control devices used by the GPS industry worldwide. Rakon exports to some 50 countries and has offices in Chicago and Singapore (shortly moving to mainland China) and plans to establish in Europe in the near future, it is an international company that firmly maintains its base in Mt Wellington, Auckland.

Straker Interactive Ltd

A leading global provider of enterprise-wide web-based content management software and services, Straker Interactive's flagship product is ShadoMX, an enterprise level content management system and web application framework. ShadoMX not only provides content management but also a framework for integrating legacy systems and custom applications. Established in 1999 Straker Interactive is headed by CEO Merryn Goble and CTO Grant Straker. Since Straker's expansion into the UK and Australia in 2002, the company has grown not just in size but also in client base.

Tait Electronics Ltd

It has been ten years since Tait Electronics last entered the Hi-Tech Awards – in 1996 it won the Supreme Award. This year Tait Electronics continues to prove its ability to provide innovative solutions and to solve major technical difficulties. The result is a new radio communications roll out at Defence training areas across Australia – allowing military and standard radios to communicate as part of the safety network. Proudly Christchurch based and headed by Sir Angus Tait, Tait Electronics continues to inspire and grow Canterbury's hi tech industry.

TxtCentre Ltd

TxtCentre was established in 2002 to harness the opportunities afforded by the nearly two million txt capable mobile phones in New Zealand today and the new forms of communication available through them. The intellectual property surrounding the TxtCentre product has been successfully patented and the research associated with this has established that it has a clear market niche in bi-directional txt messaging packaged solutions for call centres. TxtCentre has offices in New Zealand, Australia and the United Kingdom and is a partner of Vodafone, Telecom and many other large telecommunications organisations.

Vista Entertainment Solution

When New Zealand cinema operator Village Sky Cinemas needed some new software to support the concept of customers buying tickets and food from the same selling point they approached Vista Entertainment Solutions. Vista came up with an innovative design, based around using touch screen technology and Microsoft software. The product has since become a true enterprise system for cinemas and is installed at more than 200 sites in 20 countries including the USA, Australia, UK, Hong Kong, India and Kenya.

Zeacom Limited

Zeacom Limited is a leading provider of contact centre and call handling solutions for small and medium sized organisations. Founded in 1994, Auckland based Zeacom has offices in Australia, United Kingdom and the United States and serves more than 1500 customers in 18 countries. Working with the latest developments in Computer Telephony Integration (CTI), Internet and multimedia based technologies, the company's mission is to provide cost-effective customer contact solutions that deliver high-end functionality previously only available to large organisations.

Adilam Young Achievers of the Year Finalists

Ashley Bottle – EDAC Electronics Ltd

Since Ashley Bottle (23) joined EDAC Electronics Ltd as project manager in April he has made some significant impacts including: implementing new business processes and strategies to streamline production and manufacturing; negotiating a $6 million-dollar deal; generating public awareness; increasing sales enquiries and raised a $100,000 grant for the research and development of four new projects.

Mike Cook – HortResearch

Mike (24), the youngest scientist in HortResearch has developed an automated solution for a biotechnology bottleneck experienced by researchers worldwide – that of DNA extraction from difficult plant tissues. His automation system is now being sold internationally through co-operation between HortResearch and a New Zealand laboratory instrumentation firm.

Stephen Mann – Tait Electronics Ltd

Steve has a Master of Engineering from the University of Canterbury and a PhD in Electronic Engineering at Bristol University. He already had patents for three areas of linear power amplifier design, and has since specialised in digital Cartesian loop technology. The first commercialisation of his patents will be a new range of digital equipment planned for release early in 2005.

Thank You

To the following [illegible] Media Design [illegible] to the 2003 Westpac Hi Tech Awards:

Video Presentation: Nisha [illegible]
Web Design: Mason Hetzer
Web and Database Development: David McCurdy
Graphic Design: Scott Crickett
Graphic Design: Caroline Booth
Multimedia: Justin Redding and Regina Yap
3D Animation: Andrew Devon, John Stevenson-Galvin, Lex Bartleet, Nicholas Wilson, Allan Renner, Paul Jury, Lee Timutimu, Laban Dickenson, Yuhee Seo, David Kaye, Jing Dai, Kylie Stewart, Reuben Tracey and Rosa Mulraney

Media Design School provides advanced production-based qualifications in design, technology and communication. Using international faculty, innovative delivery and up-to-the-minute curricula, Media Design School is successfully developing New Zealand's future technology innovators.
www.mediadesign.school.nz

Menu

Entrée

Individually served,
New Zealand antipasti selection.

Main

Slow roasted rib eye of prime beef with shallot confit, mushroom & potato lasagna and steamed broccolini.

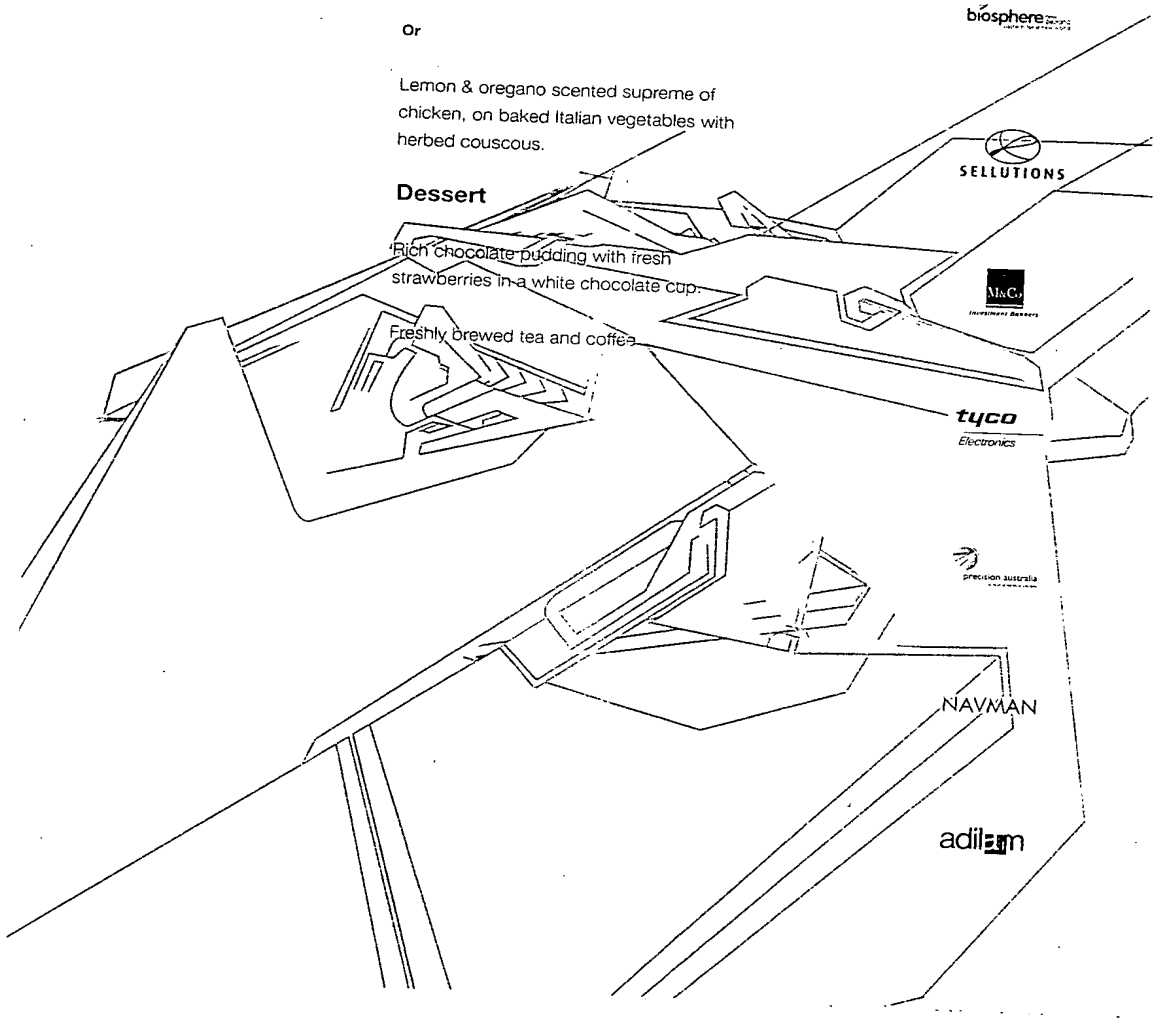
Or

Lemon & oregano scented supreme of chicken, on baked Italian vegetables with herbed couscous.

Dessert

Rich chocolate pudding with fresh strawberries in a white chocolate cup.

Freshly brewed tea and coffee.



Westpac New Zealand hitech 2003 EXCELLENCE AWARDS

Westpac New Zealand Hi Tech Awards 2003

COMMENDED

Awarded to

TxtCentre Ltd

Precision Australia
Most Innovative Product of the Year

Westpac
Microsoft
AVNET
biosphere
SELLUTIONS
M&G Investment Bankers
tyco Electronics
precision australia
NAVMAN
adilam

This is **Exhibit WGT03** referred to in the annexed affidavit of **WARREN GREGORY TOBIN** sworn before me at Auckland this

16th day of December 2005

A Solicitor of the High Court of New Zealand

John Barratt - Boyes
Solicitor
Auckland

This is Exhibit WGT03 referred to in the annexed statutory declaration of WARREN GREGORY TOBIN declared at ~~Napier~~ Auckland before me this 7th day of June 2005

A Solicitor of the High Court of New Zealand

-----Original Message-----
From: Jeremy Hope (AK/ENZ) [mailto:jeremy
Sent: Wednesday, 29 September 2004 2:39 p
To: 'warren@txtcentre.com'
Cc: Jo Skinner (E-mail); Aaron Maher (MC/EPA)
Subject: FW: !!!CONGRATULATIONS ON BEING A FRONTIER FINALIST!!!

> Hi Warren,
>
> Ericsson is pleased to inform you that the Txt Centre solution is one of
> six finalists in our Frontier 2004 Competition -- CONGRATULATIONS!
>
> Important Note: We will be running articles in both The Australian and
> the New Zealand Herald next Tuesday, October 5th to profile Txt Centre
> along with our other finalists. Therefore, we would appreciate if you
> could keep news of your successful Frontier entry CONFIDENTIAL until this
> time.
>
> What you have won
>
> As I mentioned on the phone, you have won the following fantastic prizes:
>
> * One [1] Sony Ericsson P900 mobile phone to enable you to develop and
> demonstrate you application on the latest device. Each device is valued at
> approximately AUD$1500.
>
> * The opportunity to present in front of the top telecommunications
> decision makers in Australia and New Zealand at the Judging Day on
> Thursday October 14th.
>
> * A professionally produced promotional video about your company and
> your winning solution
>
> * Two [2] tickets for free entry into Ericsson's Developer Day in
> November 2004
>
> * You will also be presented with a Frontier finalist crystal trophy
> highlighting your achievement
>
>
> Judging Day - Thursday October 14
>
> You and your colleagues are welcome to attend this event to network with
> Operator contacts, Ericsson staff and other industry experts (all costs
> incurred will be your's). We will send further details soon, but times and
> locations are provided below:
>
> Sydney Event (Australian residents)
> Location - Ericsson, 112-118 Talavera Road, North Ryde, Sydney
> Time - FROM 11:15am
>
> Auckland Event (NZ residents)
> Location - Ericsson Communications, 105 Carlton Gore, Road,
> Newmarket, Auckland
> Time - FROM 1:15pm
>
>
> Video recordings
> Prior to the Judging Day on Thursday October 14, we require you to be

> available on October 8th so that Ericsson can pre-record an
> interview/demonstration based on your entry to Frontier. This video
> recording will allow all judges to receive a fair presentation from each
> of the six finalists. Please advise who from your company will be doing
> the video recording asap.
>
> Contact - Jeremy Hope (+64 9355 5434)
> Location - Ericsson, 105 Carlton Gore, Road, Newmarket,
> Auckland
> Time - You will be notified of your time early next week(I
> have booked the morning for you as per our conversion)
>
>
>
>
> The framework for the recorded session will be the same for all six
> finalists and will be structured as follows:
>
> 1. Provide a brief background on your company
> 2. What is your application and what technology does it use?
> 3. Who is it for? ie. describe your customer
> 4. What makes it innovative?
> 5. What are the benefits for the end user?
> 6. What is your business model? ie. costs, pricing
> 7. Do you have any case studies you can tell us about briefly?
> 8. Demonstration of your application!
>
> The video session will take between 1.5 to 2.5 hours to tape, the length
> of the final video presentation will be approximately 10 minutes. Please
> also bring with you any banners, newspaper articles or company logos you
> wish to have incorporated into the video. You can also send either Jeremy
> Hope or Aaron Maher digital pictures via email for inclusion.
>
> Please let us know by Friday 1st October if you require any demonstration
> facilities for your video recording, such as Internet access, PC, monitor,
> etc. Also note that you will have to provide your own devices if they are
> required for demo purposes.
>
> Prize for the overall winner
>
> We encourage you to put some thought behind the content of your recorded
> session, as the one overall winner to be announced on the Judging Day will
> win the following additional prizes:
>
> The Frontier 2004 competition first prize-winner will receive prizes
> totalling over AUD$15,000 in value, including: return business class
> travel and accommodation and expenses for one person to visit Zurich,
> Switzerland in December 2004 to attend the global Ericsson Mobile
> Application Awards, Mobile Internet Forum and Ericsson Mobility World
> Matchmaking Session
>
> Jeremy Hope or Aaron Maher will be your contact point for your video
> recording. Congratulations again on behalf of the Frontier team -- and
> good luck for the Judging Day!
>
> Kind regards,
> Aaron Maher/Jeremy Hope
>
>
>

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Frontier is back for 2004!

Frontier is an initiative of Ericsson Mobility World, Ericsson's global partnering program designed to accelerate the development and market deployment of innovative applications and services to stimulate end-user uptake of exciting new telecommunication services.

Frontier is open to any Australian or New Zealand developer with a market-ready demonstrable next generation mobile and/or broadband application.

The competition opens on the **31st August** and ends Friday **17th September** 2004.

Evaluation criteria

An independent panel of telecommunications industry experts from will judge entries to Frontier across Australia and New Zealand.

The evaluation criteria will consist of the:

- Level of innovation and newness to the marketplace.
- Commercial application and viability of the concept.
- Market knowledge.
- Technical integrity.

Through the evaluation criteria the top 3 applications in New Zealand and the top 3 applications in Australia will be determined. The 6 finalists will then be given an opportunity to showcase their application to the industry experts, ultimately to find 1 overall winner.

Prizes

The Frontier 2004 competition first prize-winner will receive prizes totalling over AUD$15,000 in value, including return business class travel and accommodation and expenses for one person to visit Zurich, Switzerland in December 2004 to attend the global Ericsson Mobile Application Awards.

Also, the winner and each runner-up of the Frontier 2004 competition will receive prizes including:

- One (1) Sony Ericsson mobile phone.
- Professionally produced promotional video about their company and their winning solution.
- Local media coverage as well as features in Ericsson global communication channels.
- Two (2) tickets for free entry into Ericsson's Developer Day in November.

For further details on the Frontier prizes please go to:
http://www.ericsson.com.au/frontier/prizes.shtml

Case Studies

The Frontier competition launched in conjunction with our media partners The NZ Herald and The Australian on 31st August 2004. Regular features are appearing every Tuesday in the respective publications IT&T sections.

Please feel free to peruse the Case Studies and News items from the Frontier website, which will be launch on the 31st August 2004. The Frontier website can be found through either

http://www.ericsson.co.nz/frontier/ or
http://www.ericsson.com.au/frontier/

Good luck with your entries and welcome to Frontier!